

**\*\*NOT FOR PRINTED PUBLICATION\*\***

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

WADELL SMITH JR,

Plaintiff,

v.

CLAYTON SMITH, CITY OF CROCKETT,  
TX,

Defendants.

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CIVIL ACTION NO. 9:19-CV-00059-RC

**ORDER ADOPTING REPORT AND RECOMMENDATION DISMISSING  
COMPLAINT**

On April 15, 2019, *pro se* Plaintiff Wadell Smith Jr. (“Smith”) filed this lawsuit against Defendants Clayton Smith and City of Crockett, Texas. On March 30, 2020, United States Magistrate Judge Zack Hawthorn entered a report (Doc. No. 29), which recommended dismissing the complaint for failure to diligently prosecute this case under Fed. R. Civ. P. 41(b). Smith failed to file objections to the magistrate judge’s report and recommendation and the time for doing so has passed.

It is, therefore, **ORDERED** that the magistrate judge’s report and recommendation (Doc. No. 29) is **ADOPTED**. Accordingly, Smith’s complaint is **DISMISSED** without prejudice.

A final judgment will be entered separately.

So **ORDERED** and **SIGNED** April 22, 2020.



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Ron Clark, Senior District Judge